

HR 5092

4 August 1988  
OCA 2616-88

MEMORANDUM FOR: Deputy Director for Administration  
Deputy Executive Secretary  
C/ICAD/OGC  
C/ALD/OGC  
C/ISD/MG/OIT/DA

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FROM: [REDACTED] Legislation Division  
Office of Congressional Affairs

SUBJECT: H.R. 5092 - Registration of NSDD's:  
Hearing Before Brooks Subcommittee

1. On 3 August 1988, the Subcommittee on Legislation and National Security of the House Government Operations Committee held a hearing on H.R. 5092, the "Presidential Directives and Records Accountability Act." Briefly stated, this bill would require that virtually all Presidential documents, most especially National Security Decision Directives (NSDD's), be registered with the Federal Register and transmitted to the Congress. Present at the hearing were Representative Brooks, Subcommittee Chairman (as well as Chairman of the full Committee), Ranking Minority Member Horton and Subcommittee members Kleczma, Lukens and Walker. The hearing lasted about two hours.

2. Chairman Brooks began by reading a prepared opening statement (copy attached) outlining why he believed the legislation was necessary. The statement characterizes as abusive NSDD's on Libya, Grenada, contra training [REDACTED]

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[REDACTED] Attached to the statement is an exchange of correspondence between the House and the National Security Council concerning the former's request for NSDD's. Chairman Brooks also announced that the Subcommittee had invited National Security Advisor Colin Powell to appear, but that he had declined.

3. In his opening statement, Ranking Minority Member Horton was cautiously supportive of the effort but suggested that the opinions of former National Security Advisors be solicited. He also included in the record the Subcommittee's letter of invitation to National Security Advisor Powell along with his response. Horton noted the fact that the letter was dated several days prior to its actual receipt, two days before the hearing, at the National Security Council.

4. Representatives Stokes and Hamilton then appeared as witnesses. Each of their statements are attached. Both were generally supportive of H.R. 5092, although Hamilton's support was stronger than Stokes. Stokes made some suggestions to amend the bill so as to give greater security to the NSDD's actually transmitted to Congress.

5. Representative Walker, in his questioning of the witnesses, noted the security problems with transmitting the NSDD's to Congress. Brooks, in response, said he envisioned a system whereby the Federal Register published only the number or other "fact of" information concerning classified NSDD's and that the actual copies be maintained at the White House. Representative Walker also asked the witnesses if they would support an amendment providing similar treatment for supposedly parallel Congressional documents.

6. When this testimony was concluded, Chairman Brooks announced that Representative Dingell was unable to appear but that he would be sending a statement for the record.

7. The Subcommittee then heard testimony from Steven L. Katz, a representative of "People for the American Way" and the author of a recent work Government Secrecy: Decisions Without Democracy. He supported the bill.

8. Also appearing in support of the bill were representatives of the General Accounting Office (GAO) and law professor Peter Shane.

9. The Subcommittee then concluded the hearings, but made no announcements about when it might "mark up" the bill.

Attachment  
As stated

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